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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/624,412

07/21/2003

Donte Kim

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07/26/2007

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EXAMINER

VIDWAN, JASJIT S

ART UNIT

PAPER NUMBER

2182

MAIL DATE

DELIVERY MODE

07/26/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/624,412

Applicant(s)

KIM ET AL.

Examiner

Jasjit S. Vidwan

Art Unit

2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 6-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/28/07 has been entered.

***Response to Arguments***

2. Applicant's arguments with respect to claims 6-17 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6 and 9-13 rejected under 35 U.S.C. 103(a) as being unpatentable over Asayama et al, U.S. Pub: 2002/0095303 [**herein after Asayama**] and further in view of Applicant Admitted Prior Art, "Background of Invention" [**herein after AAPA**].

5. **As per Claim 1**, Asayama teaches a method for interfacing merchant's credit card processing system with a plurality of payment processors [**see Fig. 1, element 130, 140, 150**] that interface merchant's credit card processing systems with credit card issuing banks' transaction systems [**see Fig. 1, element 160, 170, 180** – **Though in figure 1 depicts each processor connected to a different bank, according to Paragraph 0016, multiple processors can be connected to the same issuing bank**] the method comprising:

- (a) Allowing a merchant **[see Fig. 1, element 110]** to determine a desired payment processor to be used based on a fee that the desired payment processor charges from the plurality of payment processors for a credit card transaction **[see Asayama, Paragraph 0006, "...system for selecting a credit card processor as a function of multiple variables, including transaction fees..."]**
- (b) Requesting the data input field requirements from a client to process the credit card transaction through the desired payment processor **[see Asayama, Paragraphs 0021 & 0022]**
- (c) Processing the data through the desired payment processor to process the credit card transaction **[see Asayama, Paragraphs 0022-0023, "The processing engine then chooses a processor and translates the credit or debit card information into a format understandable by the chosen processor."]**

Asayama teaches the above limitations and further teaches each processor requiring unique translator modules (i.e. each processor requires the card information to be formatted to its unique requirement) **[see Asayama, Paragraph 0027]**. Asayama, however, fails to expressly disclose teaching storing the data input field requirements of each individual processor and retrieving the said information after a said individual processor is selected. Though it could be argued that the above limitation is inherent considering the fact Asayama teaches each payment processor requiring individually formatted data, AAPA avoids any future argument by teaching that each individual processor's input field requirements are stored, wherein the requirements are unique to the payment processors **[see AAPA, Paragraph 0007]**.

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to combine the two teachings in order to take advantage of successfully processing a credit card transaction via the selected payment processor. It is for this reason that one of ordinary skill in the art at the time of Applicant's invention would have been motivated to combine the two teachings above.

6. **As per Claim 9**, Asayama as modified by AAPA teaches a method further including storing the credit card transaction into a memory **[see Asayama, Paragraph 0024]**.
7. **As per Claim 10**, Asayama as modified by AAPA teaches a method further including transmitting the information associated with the credit card transaction to accounting software **[see Asayama, Paragraph 0025]**.
8. **As per Claim 11**, Asayama as modified by AAPA teaches a method where the merchant's credit card processing system is a web-based merchant **[see Asayama, Paragraph 0016, "Merchant may be a web merchant..."]**
9. **As per claim 12**, Asayama as modified by AAPA teaches a method wherein the merchant's credit card processing system is a point-of-sale merchant **[see Asayama, Paragraph 0016, "Alternatively, merchant 110 may be a store having a physical location and consumer may be located within the store"]**
10. **As per Claim 13**, Asayama as modified by AAPA teaches a method further including providing a template with input fields to the merchant's credit card processing system for the requesting of the data input filed requirements **[see Asayama, Paragraph 0021, "Page rendering engine..."]**.
11. Claims 7 & 14-17 rejected under 35 U.S.C. 103(a) as being unpatentable over Asayama and AAPA and further in view of Fung et al, Pub No: 2005/0131815 **[herein after Fung]**.
12. **As per claim 7, 14, 15, 16 & 17**, Asayama & AAPA teaches the above limitations of Claim 6 and further teaches a system wherein the input fields include required data **[see Asayama, Paragraph 0043 - "wherein the information associated with the order includes: the merchant's name; a consumer's name, billing address, credit card number, credit card expiration date..."]**. Asayama & AAPA fail to teach a method wherein the input fields also include optional data **[see Fung, Paragraph 0005, 'Optional demographic']**.

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to combine the two teachings in order to provide merchant an opportunity to better understand the targeted consumer. It is for this above reason that one of ordinary skill in the art would have been motivated to combine the teachings above.

13. Claims 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Asayama, AAPA, Fung and further in view of Gangi, US Patent No: 6,938,821 **[herein after Gangi]**.

14. **As per Claim 8**, Asayama, AAPA & Fung teach the limitations of Claim 7, however fail to teach a method of reducing the credit card transaction fee if the merchant provides the optional data. However, Gangi discloses a method to where incentives are provided for providing personal optional information **[See Gangi, Claim 14]**.

One of ordinary skill in the art at the time of Applicant's invention would have clearly recognized that it is quite advantageous to have incentives or coupons for users that provide additional personal information, which would be helpful for advertising and marketing coupons for future purchases. It is for this reason that one of ordinary skill in the art at the of Applicant's invention would have been motivated to combine the teachings of Fung with that of Gangi in order to take advantage of having incentives or coupons for users that provide additional personal information, which would be helpful for advertising and marketing coupons for future purchases [i.e. similar to idea of Grocery store membership cards which provide discounts on items in exchange for the store to track & more specifically target customer's products of choice].

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jasjit S. Vidwan whose telephone number is (571) 272-7936. The examiner can normally be reached on 8am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KIM HUYNH can be reached on (571) 272-4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2182

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JSV  
7/22/07



KIM HUYNH  
SUPERVISORY PATENT EXAMINER

7/23/07